

"An act supplementary to and amendatory of an act entitled 'an act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years, said act passed March 24, 1881,' have examined same, and have the honor to recommend that it do pass.

TERRELL, Chairman.

Bill read first time.

Senator Lair, chairman of the Committee on Private Land Claims, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred House bill No. 592, "An act for the relief of the heirs of Henry J. Townsend, deceased," have considered the same and direct me to report it back with the recommendation that it do pass.

LAIR, for Committee.

Bill read first time.

Senator Cooper, chairman of Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate joint resolution No. 41, "Joint resolution making an appropriation for the settlement of Thomas Toby claim," and find same correctly enrolled and properly signed, and at 4:15 o'clock P. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills, have carefully examined and compared Senate bill No. 267, "An act to authorize the Governor to appoint a district attorney for the Fifteenth Judicial District," and find the same correctly enrolled and properly signed, and at 4:15 o'clock, P. M., this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 293, "An act for holding a special term of the district court in the county of Freestone, for the trial of criminal causes, and for such other business of a criminal nature as may be lawfully considered in the district court," and find the same correctly enrolled and properly signed, and at 4:15 o'clock P. M., this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 130, "An act authorizing district courts to transfer cases of administration of estates of deceased persons, and guardianships of minors, persons of unsound mind and habitual drunkards pending before them to the county courts," and find same correctly enrolled and properly signed, and on this day, at 4:15 o'clock P. M., presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 17, "An act making the office of county surveyor an office of record," and find same correctly enrolled and properly signed, and on this day, at 4:15 o'clock P. M., presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 138, "An act for the relief Thomas B. Hearne," and find same correctly enrolled and properly signed, and on this day, at 4:15 o'clock P. M., presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and

compared Senate joint resolution No. 38, "Joint resolution expressing sympathy for the people of Ireland in their struggle against the oppressive system of British landlordism," and find same correctly enrolled and properly signed, and at 4:15 o'clock P. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate substitute for House bill No. 566, "An act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years," and find the same correctly enrolled and properly signed, and at 4:15 o'clock P. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 242, "An act to amend article 4833 of the Revised Civil Statutes of the State of Texas, adopted February 21, 1879, and to provide for the registration of instruments relating to real estate in unorganized counties," and find same correctly enrolled and properly signed, and at 4:15 o'clock P. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

Senator Lightfoot, when his name was reached, called up House bill No. 429, entitled "An act to authorize counties to fund their bonded indebtedness, and to provide means to pay the same."

On motion of Senator Stubbs, the rules were suspended, and bill put upon its second reading by the following vote:

YEAS—24.

Buchanan of Grimes	Hightower,	Rainey,
Buchanan of Wood,	Houston,	Ross,
Burges,	Lair,	Shannon.
Burton,	Lightfoot,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Swain,
Gooch,	Patton,	Terrell,
Henderson,	Powers,	Wynne.

NAYS—none.

NOT VOTING.

Martin of Cooke.

Bill read second time.

On motion of Senator Stubbs, the bill was postponed until to-morrow morning.

On motion of Senator Buchanan of Wood, Senator Houston was indefinitely excused.

Senator Wynne, for the Committee on Judicial Districts, by leave, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 130, "An act to amend section 10 of 'an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, prescribing the time of holding the districts courts therein,' etc., approved February 22, 1879," have had the same under consideration, and a majority of said committee instruct me to report the same back to the Senate and recommend its passage.

WYNNE, for Committee.

Senator Shannon gave notice of a minority report.

Senator Martin of Navarro moved to take up Senate bill No. 95, entitled "An act to be entitled 'an act for the relief of Mrs. Marinda Hyde,' with House amendments, and that the Senate concur in said amendments. Adopted.

On motion of Senator Davenport, the Senate adjourned until 9:30 A. M. to-morrow.

## SIXTY-SEVENTH DAY.

SENATE CHAMBER, }  
AUSTIN, March 30, 1881. }

Senate met pursuant to adjournment.  
The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

On motion of Senator Burton, the reading of the journal of yesterday was dispensed with and same adopted.

Senator Lightfoot moved to suspend the pending business a few minutes to take up Senate joint resolution No. 45, granting W. E. Collard, Judge of the Ninth Judicial District of the State of Texas, and T. L. Nugent, Judge of the Thirtieth Judicial District, permission to absent themselves from the State, with House amendments. Unanimously adopted and resolution taken up.

On motion of Senator Lightfoot, the Senate concurred in the House amendments.

On motion of Senator Henderson, the regular business was postponed and Senate bill No. 301, entitled "An act supplementary to and amendatory of an act entitled 'an act making appropriations for deficiencies, beginning March 1, 1879, and ending February 28, 1881, and for previous years,' passed March 24, 1881," was taken up by unanimous consent and read second time.

On motion of Senator Henderson, the bill was laid on the table, subject to call.

On motion of Senator Swain, the vote by which the free conference committee's report on Senate bill No. 198, entitled "An act to authorize the Governor, State Treasurer and Superintendent of Penitentiary to contract for conveying convicts from counties where convicted to the penitentiary," was adopted, was reconsidered.

Senator Swain, by unanimous consent, withdrew the report.

On motion of Senator Stewart, Senator Swain was excused after Thursday next, on account of sickness in his family.

House bill No. 320, entitled "An act to provide for the mode and manner of conducting proceedings in cases of contested elections and creating tribunals for that purpose, and to repeal articles 1719 to 1753, inclusive, of chapter 6, title 34, of Revised Civil Statutes," etc., with an adverse report from the committee, was taken up as unfinished business, and the adverse report adopted and bill lost.

Senator Martin of Cooke, chairman of Committee on Public Printing, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Public Printing, to whom was referred substitute for Senate bill No. 175, "An act to amend article 3994 of the Revised Civil Statutes," have had the same under consideration, and instruct me to report the same back to the Senate with the recommendation that it do pass.

The bill provides for a change in the form of the official journals of the two houses, conforming the same to the size and style adopted at this session, and also provides that the Printing Board shall contract with the contractor for the printing of the official journals, to deliver a certain number of copies of said journals to each house each morning of the session thereby relieving the two houses of the annoyance that always attends the discussion of resolutions on the subject of printing the journals. Your committee are of opinion that the changes proposed to be made will result in a considerable saving to the State.

MARTIN of Cooke, Chairman.

Bill read first time.

On motion of Senator Martin of Cooke, the rule was suspended and the bill put upon its second reading by the following vote:

YEAS—21.

Buchanan of Wood,	Hightower,	Rainey,
Burges,	Lair,	Shannon,
Burton,	Martin of Cooke,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Swain,
Gooch,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes, Ross, Terrell.  
Lightfoot,

Bill read second time and passed to third reading.

On motion of Senator Martin of Cooke, the constitutional rule was again suspended, and the bill put on its third reading by the following vote:

YEAS—21.

Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Harris,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes, Gooch, Ross.  
Cooper,

Bill read third time and passed by the following vote:

YEAS—21.

Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

NOT VOTING—4.

Buchanan of Grimes, Powers, Ross.  
Cooper,

The following House bill No. 610, entitled "An act to make an appropriation for the per diem pay of the officers, members and employees of the Seventeenth Legislature of the State of Texas," was read by caption, and signed by the President.

Senator Gooch moved to take up Senate bill No. 223, entitled "An act to regulate the appointment and define the duties of notaries public," and asked that a free conference committee be appointed on the difference between the two houses on the same. Adopted, and the President appointed Senators Buchanan of Wood, Hightower and Patton as said committee.

Senator Hightower, for Judiciary Committee No. 1, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Judiciary Committee No. 1, to whom was referred House bill No. 420, have considered the same, and said committee instruct me to report said bill back to the Senate with the recommendation that it do not pass.

The object of said bill is to exempt from taxation for city purposes "enclosed and cultivated lands, of five acres or more, situated within the corporate limits of a city or town, used for agricultural or horticultural purposes."

A majority of your committee are opposed to this provision, both upon principle and authority. General exemptions of property from taxation are opposed to that just principle that in all cases where an ad valorem tax is necessary, all property should be taxed according to its value. Such provision, furthermore, seems to be in conflict with section 2, article 8 of the Constitution, which specifies what property may be exempt from taxation (in which is not included the property sought to be exempted in this bill) and declares all laws exempting any other null and void.

HIGHTOWER, for Committee.

Read first time.

Senator Rainey moved to take up House bill No. 319, entitled "An act for the relief of persons whose lands have been rendered for taxation, and also placed upon the un-rendered roll." Unanimously adopted, and bill taken up and read second time; committee amendments adopted.

The following amendment was offered by Senator

Rainey: Amend section 4, line 28, by inserting after the word "necessity" the following: "and emergency." Adopted by following vote:

YEAS—21.		
Buchanan of Grimes,	Hightower,	Rainey,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Weatherred,
Henderson,	Patton,	Wynne.

NAYS—none.

NOT VOTING—3.

Cooper, Powers, Ross.

Bill passed to third reading.

On motion of Senator Rainey, the constitutional rule was suspended and the bill put on its third reading by the following vote:

YEAS—21.		
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Davenport,	Martin of Navarro,	Swain,
Gooch,	Moore,	Terrell,
Henderson,	Patton,	Weatherred,
Hightower,	Rainey,	Wynne.

NAYS—none.

NOT VOTING—4

Buchanan of Grimes Powers, Ross.

Cooper,

Read third time, and passed by the following vote:

YEAS—21.		
Buchanan of Grimes	Hightower,	Shannon,
Buchanan of Wood,	Lair,	Stewart,
Burges,	Lightfoot,	St bbs,
Burton,	Martin of Cooke,	Swain,
Davenport,	Martin of Navarro,	Terrell,
Gooch,	Moore,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS.

Patton.

NOT VOTING—3.

Cooper. Powers, Ross.

The following bills were read by caption and signed by the President:

Senate bill No. 290, "An act to provide for the protection of the title of the State to the university lands lying in McLennan and Hill counties."

Senate bill No. 200, "An act entitled 'an act to restore to and confer upon the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman and Camp counties the civil and criminal jurisdiction heretofore belonging to them under the Constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such changes.'"

Senate bill No. 234, entitled "An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Statutes, relating to the Agricultural and Mechanical College."

Substitute for Senate bills Nos. 30 and 70, entitled "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe the time of holding courts in said districts, and in the Thirtieth District; to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial District, and to provide for holding terms of the district court in certain counties now unorganized."

Senate bill No. 95, entitled "An act for the relief of Mrs. Marinda Hyde."

Senate bill No. 117, "An act to amend article 245, chapter 2, of the Revised Civil Statutes."

Senate bill No. 98, entitled "An act to establish the university of Texas."

House bill No. 130, "An act to amend section 10 of 'an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, prescribing the time of holding the district courts therein,' etc., was taken up in its regular order.

Senator Shannon submitted the following minority report on said bill:

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

A minority of your Committee on Judicial Districts, to whom was referred House bill No. 130, entitled "An act to amend section 10 of 'an act establishing the Tenth, Twelfth, Thirteenth, Twenty-eighth, Twenty-ninth and Thirtieth Judicial Districts, and prescribing the times of holding courts therein,' etc. beg leave to dissent from the report of the majority favoring the passage of the bill.

We would be glad always to comply with the expressed wishes of representatives in reference to matters of local concern only, if, by doing so, we would not at the same time be doing what in our judgment would be an injustice to some other locality.

This bill, in our opinion, if passed, will have that effect. It proposes to change the times of holding courts in the Judicial District composed of the counties of Johnson, Hill and Bosque from three to two terms a year. The Representatives of two of the counties, Hill and Bosque, favor the change, while the Representative of the other county, Johnson, very earnestly, and with what seems to us most excellent reasons, opposes it.

Johnson county is the most populous of the three counties composing the district sought to be affected by this bill. It is encumbered at present with a very heavy docket, and its jail crowded with an increasing number of prisoners. We are, therefore, of the opinion that to take away from the county, in its present condition, one term of its district court, would be to deprive it of its ability to clear its crowded dockets, and relieve its people of the burthen of its crowded jails.

The minority object to the passage of the bill for the further reason that it will fasten upon Johnson county two very long terms of the district court, both of them, by the terms of the bill, occurring in the busiest seasons of the year, to-wit: the spring term in April and May, and the fall term in November and December. As the courts are distributed at present the three counties of the district bear equally their share of the inconvenience attendant upon district courts at busy seasons of the year, but under the proposed arrangement the whole burthen of such inconvenience seems to be thrust upon Johnson county. In fact, it seems to the minority of your committee that this shifting of inconvenience from one county to another is about all that is really sought to be attained by the passage of the bill.

They, therefore, recommend that it do not pass.

W. R. SHANNON,  
JOHN T. BUCHANAN.

Bill read second time, and passed to a third reading by the following vote:

YEAS—17.		
Buchanan of Wood,	Hightower,	Stubbs,
Burges,	Lair,	Swain,
Cooper,	Martin of Cooke,	Terrell,
Davenport,	Patton,	Weatherred,
Gooch,	Rainey,	Wynne.
Henderson,	Stewart,	

NAYS—5.

Buchanan of Grimes,	Moore,	Shannon.
Lightfoot,	Powers,	

NOT VOTING—3.

Burton,	Martin of Navarro,	Ross.
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On motion of Senator Davenport, the constitutional rule was suspended, and the bill put on its third reading by the following vote:

YEAS—24.		
Buchanan of Grimes,	Hightower,	Rainey,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Burton,	Martin of Cooke,	Stubbs,
Cooper,	Martin of Navarro,	Swain,
Davenport,	Moore,	Terrell,
Gooch,	Patton,	Weatherred,
Henderson,	Powers,	Wynne.

NAYS—none.

## NOT VOTING.

Ross.

Bill read third time, and passed by the following vote:

## YEAS—18.

Buchanan of Wood,	Henderson,	Stewart,
Burges,	Hightower,	Stubbs,
Burton,	Lair,	Swain,
Cooper,	Martin of Cooke,	Terrell,
Davenport,	Patton,	Weatherred,
Gooch,	Rainey,	Wynne.

## NAYS—6.

Buchanan of Grimes	Martin of Navarro,	Powers,
Lightfoot,	Moore,	Shannon.

## NOT VOTING.

Ross.

Senator Patton, chairman of Committee of State Affairs, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on State Affairs have considered Senate bill No. 300, entitled "An act for the relief of the Texas veterans, who participated on the part of Texas in her struggle for independence with Mexico, including Somerville's command, both those who turned back on the Rio Grande and those who went forward and became what is known as the Mier prisoners," and they find that the bill proposes to create a debt on behalf of the State, which is prohibited by section 49, article 111 of the Constitution; further, that it proposes to give a pension of more than one hundred and fifty dollars to the surviving soldiers or volunteers in the war between Texas and Mexico, and does not provide that they shall be indigent, in contravention of section 55, article 17 of the Constitution; and for these causes they direct me to return the bill to the Senate and recommend that it do not pass.

PATTON, Chairman.

Bill read first time.

Senator Swain, for free conference committee on Senate bill 198, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

To the President of the Senate and Speaker of the House of Representatives:

Your committee on free conference appointed to consider the matters of disagreement between the Senate and House on Senate bill No. 198, "An act to authorize the Governor, State Treasurer and Superintendent of the Penitentiary to contract for conveying convicts from the counties where sentenced to the penitentiary," have had the same under consideration and beg leave to recommend as follows:

1. That the Senate agree to the third House amendment to said bill.

2. That the House recede from its first amendment, and that in lieu thereof add to the first section, and just after the third amendment, the following: *Provided further*, that any contract made under this act before a new leasing of the penitentiaries shall be made to terminate with the present lease, on January 1, 1883."

Respectfully submitted,

SWAIN,  
BURGES,  
LAIR,  
Senate Committee.  
JOHN W. DANIEL,  
J. E. McCOMB,  
G. W. GRANBURY,  
JOHN H. TRAYLOR,  
H. J. LABATT,  
House Committee.

On motion of Senator Swain, the report was adopted.

Senator Stubbs, for Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 280, "An act to amend article 1092, chapter 4, title 15, of the Code of Criminal Procedure, so that it shall hereafter read as follows," and find the same correctly engrossed.

J. B. STUBBS, for Committee.

Senator Lair, for Committee on Private Land Claims, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Private Land Claims, to whom was referred House bill No. 489, have had the same under consideration, and instruct me to report it back to the Senate with the recommendation that it do pass.

LAIR, for Committee.

Bill read first time.

Senator Gooch moved to take up the bill just reported by Senator Lair. Unanimously adopted, and bill taken up.

On motion of Senator Gooch, the rule was suspended and bill put on its second reading by the following vote:

## YEAS—21.

Buchanan of Grimes,	Hightower,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.

## NAYS—none.

## NOT VOTING—4.

Burton,	Patton,	Swain.
Martin of Cooke,		

Bill read second time.

Senator Gooch offered the following amendment: Amend by adding to the last section: "And the near approach of the close of the session creates an imperative public necessity that the rule requiring bills to be read on three several days be suspended; and it is so suspended." Adopted, and bill passed to third reading.

On motion of Senator Gooch, the rule was again suspended and bill put on its third reading by the following vote:

## YEAS—21.

Buchanan of Grimes,	Hightower,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Lightfoot,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.

## NAYS—none.

## NOT VOTING—4.

Burton,	Patton,	Swain,
Martin of Cooke		

Bill read third time and passed by the following vote:

## YEAS—23.

Buchanan of Grimes	Lair,	Shannon,
Buchanan of Wood,	Lightfoot,	Stewart,
Burges,	Martin of Navarro,	Stubbs,
Cooper,	Moore,	Swain,
Davenport,	Patton,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,	Ross,	

## NAYS—none.

## NOT VOTING—2.

Burton,	Martin of Cooke.
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Senator Patton moved to call up House bill No. 449, entitled "An act to amend article 220 of the Criminal Code." Unanimously adopted.

The bill was taken up, read second time and passed to third reading.

On motion of Senator Patton, the rule was suspended and bill put on its third reading by the following vote:

## YEAS—22.

Buchanan of Grimes	Lair,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Burges,	Martin of Navarro,	Stewart,
Cooper,	Moore,	Swain,
Davenport,	Patton,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		



NAYS—none.  
NOT VOTING—8.

Burton, Martin of Cooke, Stubbs.

Having been read the third time, the bill passed.

Senator Wynne moved to call up House bill No. 592, "An act for the relief of the heirs of Henry J. Townsend, deceased." Unanimously adopted.

Bill read second time and passed to a third reading.

Senator Cooper moved to reconsider the vote just taken. Carried.

The following amendment was offered by Senator Cooper: Amend by striking out the emergency clause and inserting:

The near approach of the close of the session creates an imperative public necessity for suspending the rule requiring this bill to be read on three several days; and it is suspended.

Adopted, and bill passed to third reading.

On motion of Senator Cooper, the rule was suspended and bill put on its third reading, by the following vote:

YEAS—24.

Buchanan of Grimes	Hightower,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Martin of Cooke,	Stewart,
Burton,	Martin of Navarro,	Stubbs,
Cooper,	Moore,	Swain,
Davenport,	Patton,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.

NAYS—none.  
NOT VOTING.

Lightfoot.

The bill was read the third time and passed by the following vote:

YEAS—25.

Buchanan of Grimes	Lair,	Ross,
Buchanan of Wood,	Lightfoot,	Shannon,
Burges,	Martin of Cooke,	Stewart,
Burton,	Martin of Navarro,	Stubbs,
Cooper,	Moore,	Swain,
Davenport,	Patton,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—none.

Senator Patton moved to take up House bill No. 231, "An act to amend article 690, chapter 3, of the Penal Code of the State of Texas."

This bill being first on the President's table, was taken up without a vote, read second time and passed to third reading.

House bill No. 513, "An act to validate certain locations and surveys upon lands situated in the counties of Harde-man, Cottle, Archer, Baylor, Wilbarger and Knox," was taken up as regular business on President's table.

Read second time and passed to third reading.

On motion of Senator Shannon, the bill just taken up was put on its third reading by the following vote:

YEAS—23.

Buchanan of Wood,	Lightfoot,	Shannon,
Burges,	Martin of Cooke,	Stewart,
Burton,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Swain,
Gooch,	Patton,	Terrell,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Lair,	Ross,	

NAYS—none.  
NOT VOTING.

Buchanan of Grimes.

The bill was read the third time and passed by the following vote:

YEAS—22.

Buchanan of Wood,	Lair,	Ross,
Burges,	Lightfoot,	Shannon,

Burton,	Martin of Cooke,	Stubbs,
Cooper,	Martin of Navarro,	Swain,
Davenport,	Moore,	Terrell,
Gooch,	Powers,	Weatherred,
Henderson,	Rainey,	Wynne.
Hightower,		

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes, Patton, Stewart,

The following message was received from his Excellency, the Governor:

EXECUTIVE OFFICE,  
AUSTIN, March 30, 1881.

To the Honorable the Senate of the State of Texas:

I respectfully ask your advice and consent to the appointment of the following officer: Thomas H. Franklin, of the county of Hays, to be District Attorney of the Fifteenth Judicial District.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Patton moved that the Senate go into executive session on appointment of the officer named in the above message at 4 o'clock p. m. Adopted.

Senator Stubbs moved to postpone the regular business and take up House bill No. 429, entitled "An act to authorize counties to fund their bonded indebtedness, and to provide means to pay the same." Unanimously adopted, and bill taken up.

Senator Stubbs offered the following amendments. Amend line 26, page 1, by striking out "two per cent," and inserting in lieu thereof "fifty cents on the hundred dollars." Adopted.

Amend by striking out section 2. Adopted.

Amend page 2, lines 22 and 23, by striking out the words "under the direction of the State Comptroller." Adopted.

Amend section 5 by striking out "State Comptroller," and inserting "county commissioners' court;" and striking out "State" where it occurs, and inserting "county." Adopted.

Amend section 6 by striking out "State," and inserting "county" where "State" occurs, and by striking out all beginning with "State Comptroller" and inserting "county judge," in the usual legal form. Adopted.

Strike out section 7. Adopted.

Amend section 8 by striking out "State" and inserting "county." Adopted.

Strike out section 9. Adopted.

Strike out all of section 10 down to the word "said," in line 31. Adopted.

Number the sections to conform to the changes by amendments. Adopted.

Bill passed to third reading.

Senator Stubbs moved to suspend the rules and put the bill on its third reading. Adopted by the following vote:

YEAS—23.

Burges,	Lightfoot,	Shannon,
Burton,	Martin of Cooke,	Stewart,
Cooper,	Martin of Navarro,	Stubbs,
Davenport,	Moore,	Swain,
Gooch,	Patton,	Terrell,
Henderson,	Powers,	Weatherred,
Hightower,	Rainey,	Wynne.
Lair,	Ross,	

NAYS—none.

NOT VOTING—2.

Buchanan of Grimes, Buchanan of Wood,

Bill read third time and passed by the following vote:

YEAS—21.

Buchanan of Wood,	Hightower,	Ross,
Burges,	Lair,	Shannon,
Burton,	Martin of Navarro,	Stewart,
Cooper,	Moore,	Stubbs,
Davenport,	Patton,	Swain,

Gooch,  
Henderson,

Powers,  
Rainey,

Weatherred,  
Wynne.

NAYS—3.

Lightfoot,

Martin of Cooke.

NOT VOTING.

Patton.

Senator Rainey moved to adjourn until 3:30 p. m. Withdrawn.

On motion of Senator Gooch, Senator Rainey was excused until the evening session.

A message was received from the House announcing as follows:

That the House has passed substitute for House bill No. 82, "An act for the immediate relief of citizens against breachy estrays."

Substitute for Senate bill No. 134, entitled "An act to provide for the issuance of manuscript bonds for the State for the funds derived from the sale of lands set apart to the several counties for free school purposes," etc.

That the House has concurred in Senate amendment to House bills Nos. 499 and 495.

Also, that it has concurred in Senate amendment to House bill No. 74 by a two-thirds vote.

Also, that the House has adopted the report of the committee of free conference on the differences arising between the two houses on House amendments to Senate bill No. 198 (penitentiary bill.)

Senator Cooper, chairman of the Committee on Enrolled Bills, submitted the following reports:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate substitute for Nos. 30 and 70, a bill to be entitled "An act to establish the Twelfth, Seventeenth, Twentieth and Thirty-third Judicial Districts, and to prescribe times of holding courts in said districts, and in the Thirtieth District; to provide for the appointment of a district attorney in the Twentieth and a district judge in the Thirty-third Judicial Districts, and to provide for holding terms of the district court in certain counties now unorganized," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 234, "An act to amend certain articles of chapter 2, of title 78, of the Revised Civil Statutes, said chapter entitled Agricultural and Mechanical College," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 95, "An act for the relief of Mrs. Marinda Hyde, Martin L. Baker, Roden T. Crain, the heirs of John P. Reynolds, and the heirs of Jacob Plummer," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 117, "An act to amend article 245, chapter 2, of the Revised Civil Statutes, and to repeal article 247, chapter 2, of the Revised Civil Statutes," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M., on this day, was presented to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and

compared Senate bill No. 200, "An act to restore and confer upon the county courts of Palo Pinto, Eastland, Stephens, Callahan, Taylor, Brazoria, Matagorda, Coleman, Bowie, Brown, Morris and Camp counties the civil and criminal jurisdiction heretofore belonging to them under the Constitution and general statutes of the State, and to conform the jurisdiction of the district courts of said counties to such change," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled bills have carefully examined and compared Senate bill No. 290, "An act to provide for the protection of the title of the State to the university lands lying in McLennan and Hill counties," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M., on this day, presented the same to the Governor for his signature.

COOPER, Chairman.

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate bill No. 98, "An act to establish the university of Texas," and find the same correctly enrolled and properly signed, and at 11:50 o'clock A. M. presented the same to the Governor for his signature.

COOPER, Chairman.

Senator Henderson moved to take up Senate bill No. 301, entitled "An act supplementary to and amendatory of 'an act making appropriation for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years,' passed March 24, 1881." Unanimously adopted and bill taken up, read second time.

Senator Lightfoot offered a substitute for the bill. Substitute adopted, and bill ordered engrossed.

Senator Henderson moved to suspend the rules and put the bill on its third reading. Carried by the following vote:

YEAS—21.

Buchanan of Wood,  
Burgess,  
Burton,  
Cooper,  
Davenport,  
Gooch,  
Henderson,

Hightower,  
Lair,  
Lightfoot,  
Martin of Navarro,  
Moore,  
Patton,  
Powers,

Ross,  
Shannon,  
Stewart,  
Stubbs,  
Swain,  
Weatherred,  
Wynne.

NAYS.

Martin of Cooke.

NOT VOTING—2.

Buchanan of Grimes Terrell.

Bill read third time, and passed by the following vote:

YEAS—21.

Buchanan of Wood,  
Burgess,  
Burton,  
Cooper,  
Davenport,  
Gooch,  
Henderson,

Hightower,  
Lair,  
Lightfoot,  
Martin of Navarro,  
Moore,  
Patton,  
Powers,

Ross,  
Shannon,  
Stewart,  
Stubbs,  
Swain,  
Weatherred,  
Wynne.

NAYS.

Martin of Cooke.

Senator Martin of Cooke moved to take up Senate bill No. 134, "An act to provide for the issuance of manuscript bonds for the State for the funds derived from the sale of lands set apart to the several counties for school purposes," etc., just reported from the House with amendments. Adopted.

On motion of Senator Martin of Cooke, the Senate disagreed to House amendments. Adopted.

Senator Burton offered the following resolution:

Resolved, That the Comptroller of Public Accounts be requested to furnish the Senate the amounts of insolvent and uncollectable

taxes for the year 1879, the number of counties that have returned this list and the number that have not.

Adopted.

The following message was received from his Excellency the Governor:

EXECUTIVE OFFICE,  
AUSTIN, March 30, 1881.

To the Honorable Senate of the State of Texas:

I herewith submit the following additional names for notaries public to your honorable body for confirmation:

Henry F. Kuhne, new appointment, Lavaca county.  
J. B. Moseley, new appointment, Shelby county.  
G. D. Staton, new appointment, Van Zandt county.  
H. A. Christie, new appointment, Williamson county.  
E. J. Carrington, new appointment, Comanche county.  
A. S. McCamant, new appointment, Jones county.  
K. Aycock, new appointment, Taylor county.  
J. L. Fisher, new appointment, Shackelford county.  
W. W. Sammons, new appointment, Shackelford county.  
C. R. Davis, new appointment, Shackelford county.  
E. P. Reed, new appointment, Shackelford county.  
A. A. Clark, to succeed R. A. Jeffries, Shackelford county.  
B. F. Fuller, to succeed J. M. Long and take the place of L. W. Ross, who declines to accept the position.

Respectfully submitted,

O. M. ROBERTS, Governor.

Senator Buchanan of Wood moved that the Senate act on the appointments contained in the Governor's message just read at the executive session to be held at 4 p. m. this evening. Unanimously adopted.

On motion of Senator Lair, the Senate adjourned until 3:30 p. m.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment.

President in the chair.

Roll called; no quorum present.

Senator Davenport moved that the Senate adjourn until 4 o'clock. Lost.

Senator Powers moved a call of the Senate.

The call was sustained and roll called.

Absent—Senators Burges, Hightower, Martin of Cooke and Stewart.

Quorum announced present.

The President gave notice of the signing of Senate joint resolution No. 45, "Joint resolution granting W. E. Colard, Judge of the Ninth Judicial District; T. L. Nugent, Judge of the Thirtieth Judicial District; R. C. Beale, County Judge of Navarro county; D. C. Barmore, County Judge of Brazos county; and W. S. Moore, County Judge of Lamar county, permission to absent themselves from the State."

Senator Shannon submitted the report of free conference committee on Senate substitute for House bill No. 309.

Under the evening call, Senator Moore's name was reached, when he called up the Senate substitute for House bill just reported by Senator Shannon, with the report of the free conference committee.

Senate went into executive session.

#### IN SENATE.

Senator Gooch moved that the confirmations made in the executive session just held be entered on the journals, and that the Secretary inform the Governor of the same.

It is accordingly stated that the Senate has advised and consented to the appointment of Thomas H. Franklin as District Attorney of the Fifteenth Judicial District, and the following named notaries public: Henry F. Kuhne, of Lavaca county; J. B. Moseley, of Shelby county; G. D. Staton, of Van Zandt county; H. A. Christie, of Williamson county; E. J. Carrington, of Comanche county; A. S. McCamant, of Jones county; K. Aycock, of Taylor county; J. L. Fisher, W. W. Sammons, C. R. Davis and E. P. Reed, of Shackelford county, all new appointments; also,

sig. 40

A. A. Clark, of Shackelford county, to succeed R. A. Jeffries; and B. F. Fuller, to succeed L. W. Ross.

The President took up House bill No. 82, entitled "An act for the immediate relief of citizens against breachy estrays," and referred same to the Committee on Stock and Stockraising.

Senate substitute for House bill No. 309, was resumed, and by unanimous consent, Senator Shannon withdrew the free conference committee report just made, for consideration.

The President appointed Senator Davenport, instead of Senator Houston, now absent, on the free conference committee on Senate substitute for said House bill No. 309.

A message was received from the House announcing the passage of Senate bill No. 108, "An act to amend articles 344, 346 and 357, title 17, of the Revised Civil Statutes of the State of Texas, relating to cities and towns," with an amendment.

Senate bill No. 260, "An act prescribing the time of holding the District Courts of the Twenty-third Judicial District," with House amendments.

Also, Senate bill No. 289, entitled "An act to change the time of holding the District Courts in the Twenty-ninth Judicial District of the State of Texas," with House amendments.

The following House bills were read by caption and signed by the President: House bill No. 74, entitled "An act to amend article 4608, title 94, chapter 4, of the Revised Statutes of the State of Texas, to provide for preventing certain animals from running at large in certain counties and subdivisions."

Substitute for House bill No. 272, entitled "An act to make an appropriation for the propagation and preservation of fish, and to build fish-ways and fish-ladders, and to authorize the Governor to appoint a fish commissioner, and to repeal all laws in conflict herewith."

Also, House bill No. 499, entitled "An act to authorize towns and villages heretofore incorporated by the Congress of the Republic or the Legislature of the State to amend their charters."

Senator Buchanan of Wood submitted the following report of the free conference committee on Senate bill No. 223:

COMMITTEE ROOM,  
AUSTIN, March 29, 1881.

Hon. L. J. Storey, President of the Senate, and Hon. Geo. R. Reeves, Speaker of the House of Representatives:

Your committee of free conference upon the differences between the two houses upon Senate bill No. 223, entitled "An act to regulate the appointment and define the duties of notaries public," beg leave to report the following:

1. Your committee recommend that the Senate agree to the first House amendment.

2. Your committee recommend that the House recede from its second amendment, and that instead thereof the following amendment be added to section 5 of the bill: "And any notary public or other officer required by law to keep and use a seal, who shall use in attesting any instrument, an seal, not such as he is required by law to keep and use for that purpose, or shall fail or refuse to deliver to the county clerk of his county his seal, record books, and all public papers pertaining to his office, or any of them, in case of his resignation or removal from the county shall be deemed guilty of a misdemeanor, and shall, upon conviction, be fined in any sum not less than one hundred dollars; provided that such notary public shall have the right to sell his seal to any qualified notary public of his county."

J. C. BUCHANAN, Chairman,  
R. S. HIGHTOWER,  
S. O. PATTON,  
Senate Committee.  
J. S. PEACOCK, Chairman,  
TRUITT,  
WURZBACH,  
House Committee.



Senator Buchanan of Wood moved the report be adopted. Motion withdrawn.

A message was received from the House, announcing the passage of Senate bill No. 252, entitled "An act to amend chapter 11, title 17 of the Revised Civil Statutes of the State of Texas, so that towns and villages may be incorporated for free school purposes only."

And that the House has adopted the report of the committee of free conference on Senate bill 223, "An act to regulate the appointment and define the duties of notaries public."

Senator Patton's name being called, he asked to take up Senate bill No. 209, entitled "An act for the collection of the statistics of the State of Texas." Bill taken up, read second time, substitute of the committee adopted, and bill ordered engrossed.

On motion of Senator Hightower, the rules were suspended and bill put on its third reading by the following vote:

	YEAS—21.	
Buchanan of Grimes,	Hightower,	Ross,
Buchanan of Wood,	Lair,	Shannon,
Burges,	Martin of Navarro,	Stubbs,
Cooper,	Moore,	Swain,
Davenport,	Patton,	Terrell,
Gooch,	Powers,	Weathered,
Henderson,	Rainey,	Wynne.

	NAYS—none.	
	NOT VOTING—4.	
Burton,	Martin of Cooke,	Stewart.
Lightfoot,		

Bill read third time and passed by the following vote:

	YEAS—22.	
Buchanan of Grimes,	Lair,	Shannon,
Buchanan of Wood,	Martin of Navarro,	Stewart,
Burges,	Moore,	Stubbs,
Cooper,	Patton,	Swain,
Davenport,	Powers,	Terrell,
Gooch,	Rainey,	Weathered,
Henderson,	Ross,	Wynne.
Hightower,		

	NAYS—none.	
	NOT VOTING—3.	
Burton,	Lightfoot,	Martin of Cooke,

Senator Gooch moved to disagree to the report of the free conference committee on Senate bill No. 223 and that another free conference committee be appointed. Adopted, and the President appointed the same free conference committee on the bill, to-wit, Senators Buchanan of Wood, Hightower and Patton.

Senator Shannon returned the report of free conference committee on Senate substitute for House bill 309, as follows:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

To the President of the Senate and Speaker of the House of Representatives:

Your free conference committee, to whom was referred the difference between the Senate and House on House bill No. 309, have had the same under consideration. The House passed the bill, and the Senate adopted certain amendments thereto, called a substitute, and the House disagreed to the same, and the Senate refused to recede.

Your committee recommend that the difference be settled by inserting the accompanying amendments to said House bill, and recommend their adoption:

1. Amend the caption by inserting after the word "four" the word "five," and in section 1, also insert after the word "four" the word "five."

2. Amend section 2, page 2, line 18, by striking out all after the word "than," down to and including the word "acre," in line 14, and insert "two dollars per acre for surveys having fresh water on them or bordering on them, nor less than one dollar per acre for other school lands."

3. Amend lines 25 and 26, section 2, by striking out the words "taking effect hereof," and insert "after the value thereof is fixed," and in line 17 strike out "fifty," and insert "one hundred."

4. Amend section 2, by adding at the end of the section the following: "Provided, that no appraisement of a surveyor of any sec-

tion of land situated in an unorganized county shall be regarded until he shall have filed an affidavit, stating that he knows the locality of said section, and that he personally inspected the same, stating when said inspection was made."

5. Amend section 4 by striking out all after the word "land," in line 25, and insert: "Provided, that if the Commissioner of the General Land Office believes or has reason to believe that the land is valued too low or that the proper description has not been given of the soil, timber or water, or that the land has increased in value since appraisement, he may and it shall be his duty to require a supplemental report containing additional information; or, he may send some one from his office; or, if none of his employees can be spared, or are not qualified for the service, he may appoint some suitable person to visit such county concerning which the report is unsatisfactory, who shall make a report such as is required by the county commissioners' court; for which he, the person sent, if not a regular employee, shall be paid a salary for the time employed not greater than that of chief clerk of the Land Office. From the information acquired from every source, the said Commissioner of the General Land Office shall correct the report transmitted by the county commissioners' court, and forward a copy of such corrected tabulated report to the county or district surveyor of the proper county, to be by him kept as an archive of his office and forward a duplicate copy to the Treasurer of the State, and retain a copy in the General Land Office as an archive."

6. Amend by adding to the bill:

Section 5. That so soon as the surveyor shall receive the notice provided for in section 4 of this act, he shall be authorized to receive applications for the purchase of said land in any quantity not less than one hundred and sixty acres, except fractions of less than one hundred and sixty acres that may now exist in said counties; provided, that no person or corporation shall be allowed to purchase more than one section of six hundred and forty acres of said land when the same is classed as arable land suitable for farming purposes; but when the same is classed as land suitable only for grazing purposes it shall be sold in quantities to suit the purchaser, but no person shall be permitted to purchase less than one hundred and sixty acres, nor more than three sections of six hundred and forty acres within five miles of the geographical centre of any county or upon any water front, nor more than seven sections at any other place.

7. Amend section 7 by striking out "one-tenth" wherever it appears in the section and insert "one-twentieth;" by striking out the word "one-half" wherever it appears in the section and insert "the whole," and by inserting the word "chiefly" before the word "valuable," in line 4.

8. Amend section 7 by striking out all after the word "thereof," in line 16, page 6.

9. Amend section 8 by striking out the word "one-tenth" wherever it appears in the section, and insert "one-twentieth," and wherever the word "ten" appears insert the word "twenty," and strike out the words "or one-half" in line 19.

10. Amend the caption of the act by inserting after the words "to amend" the words "the caption and," and amend section 1 of this act by inserting after the words "Be it enacted by the Legislature of the State of Texas" the following words: "that the caption of the above recited act shall hereafter read as follows: 'An act to provide for the sale of alternate sections of lands in organized and unorganized counties as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund, to provide for the investment of the proceeds, and to repeal all laws in conflict therewith and.'"

W. R. SHANNON, Chairman,	A. L. MATLOCK, Chairman,
J. M. MARTIN.	SMITH of Titus,
S. POWERS,	JNO. A. PEACOCK,
R. S. HIGHTOWER,	J. H. TRAYLOR,
JNO. YOUNG GOOCH,	A. W. MOURSUND,
Senate Committee.	House Committee.

On motion of Senator Shannon, the report just presented was adopted.

Senator Powers, when his name was reached, called up Senate bill No. 261½, entitled "An act declaring the amounts due by certain railroad companies for loans from the common free school fund, and to provide for the collection of the same, and making an appropriation therefor."

Senator Cooper, chairman of the Committee on Enrolled Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Enrolled Bills have carefully examined and compared Senate joint resolution No. 45, granting W. E. Collard,



Judge of the Ninth Judicial District of the State of Texas; T. L. Nugent, Judge of the Thirtieth Judicial District of the State of Texas; R. C. Beale, County Judge of Navarro county; D. C. Barmore, County Judge of Brazos county, and W. S. Moore, County Judge of Lamar county, permission to absent themselves from the State at the time hereinafter named," and find the same correctly enrolled and properly signed, and at 4 o'clock P. M., on this day, presented same to the Governor for his signature.

COOPER, Chairman.

Senator Buchanan of Grimes, chairman of Committee on Engrossed Bills, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 301, entitled "An act supplementary to and amendatory of an act entitled 'an act making appropriations for deficiencies beginning March 1, 1879, and ending February 28, 1881, and for previous years,' passed March 24, 1881," and find the same correctly engrossed.

BUCHANAN of Grimes, Chairman.

On motion of Senator Davenport, the Senate adjourned until 9:30 A. M. to-morrow.

### SIXTY-EIGHTH DAY.

SENATE CHAMBER,  
AUSTIN, March 31, 1881. }

Senate met pursuant to adjournment.

The President in the chair.

Roll called; quorum present.

Prayer by the Chaplain.

The reading of the journal of yesterday was dispensed with, on motion of Senator Stubbs, and same adopted.

Senator Weatherred, chairman of the Committee on Judicial Districts, submitted the following report:

COMMITTEE ROOM,  
AUSTIN, March 30, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Judicial Districts, to whom was referred House bill No. 609, entitled "An act to reorganize the Fourth and Twenty-first Judicial Districts of the State of Texas, to fix the time of holding courts in the different counties composing the same, and to provide for the appointment of a district attorney for the Twenty-first Judicial District," have duly considered the same, and I am instructed to report the bill back to the Senate with the recommendation that it do not pass.

WEATHERRED, Chairman.

Read first time.

Senator Stubbs submitted the following report for the Committee on Engrossed bills:

COMMITTEE ROOM,  
AUSTIN, March 31, 1881.

Hon. L. J. Storey, President of the Senate:

Your Committee on Engrossed Bills have carefully examined and compared Senate bill No. 209, "An act to provide for the collection of the historical memoranda and statistics of the State of Texas," and find the same correctly engrossed.

STUBBS, for Committee.

Senator Rainey moved to take up Senate bill No. 108, entitled "An act to amend articles 340, 344, 346, 352 and 357, of title 17, of the Revised Civil Statutes of Texas, relating to cities and towns," with House amendments. Unanimously adopted.

The bill was taken up and, on motion of Senator Rainey, the House amendments were concurred in.

The following bill was read by caption and signed by the President, viz.: Senate bill No. 102, entitled "An act to make appropriations for the support of the State government for the years beginning March 1, 1881, and ending February 28, 1883."

Senator Terrell moved to take up House bill No. 131, entitled, "An act to amend article 690, chapter 3, of the Penal Code of the State of Texas." Unanimously adopted, and the bill taken up, read third time and passed.

By unanimous consent, Senator Shannon was allowed to call up Senate bill No. 289, entitled "An act to change the

time of holding the district court in the Twenty-ninth Judicial District of the State of Texas," with House amendments.

On motion of Senator Shannon the House amendments were concurred in.

Senate bill No. 260, entitled "An act prescribing the time of holding the district courts of the Twenty-third Judicial District," was taken up and the House amendments concurred in.

A message was received from the House, announcing the passage of House bill No. 588, entitled "An act amending articles 3705, 3707, 3716, 3742, 3746, 3747, 3752, 3758, 3762 and 3768, chapter 3, title 78, of the Revised Civil Code."

Senate bill No. 248, entitled "An act to repeal sections 2, 4 and 7 of an act of the Legislature of the State of Texas, entitled 'an act to amend the charter of the city of Dallas,' and to amend sections 177, 163, 90, 62 and 82 of an act entitled 'an act to incorporate the city of Dallas, and to grant a new charter to said city, approved August 9, 1876.'"

Also, that the House recedes from its amendment to substitute for Senate bill No. 134, entitled "An act to provide for the issuance of manuscript bonds for the State for the funds derived from the sale of lands set apart to the several counties for school purposes."

And has passed Senate bill No. 209, entitled "An act to amend section 5 of an act entitled 'an act to establish the university of Texas,' passed at the present session of the Legislature."

Also, that the House has reconsidered the vote by which the report of free conference committee on Senate bill No. 223 "notary public bill," and reappointed same committee a second committee of free conference.

Also, has adopted report of free conference committee on substitute House bill No. 309, "An act to provide for the sale of alternate sections of land in organized counties as surveyed by railroad companies and other works of internal improvement, and set apart for the benefit of the common school fund, and to provide for the investment of the proceeds, and to repeal all laws in conflict therewith."

Also, that the House concurs in Senate amendments to House bill No. 319, "An act for the relief of persons whose lands have been rendered for taxation, and also placed upon the unrendered rolls."

Also, House bill No. 429, "An act authorizing counties to fund their bonded indebtedness, and to provide means to pay the same."

Also, House bill No. 592, "An act for the relief of the heirs of Henry J. Townsend."

Also, House bill No. 489, "An act for the relief of the heirs of Lewis Grooms."

Also, that the House adopts the report of the free conference committee on Senate bill No. 223 (notary public bill.)

Senate bill No. 280, "An act to amend article 1092, chapter 4, title 15 of the Code of Criminal Procedure," was taken up, read the third time, and passed by the following vote:

YEAS—13.		
Davenport,	Martin of Navarro,	Stubbs,
Hightower,	Moore,	Terrell,
Lair,	Powers,	Weatherred,
Lightfoot,	Shannon,	Wynne.
Martin of Cooke		
NAYS—10.		
Buchanan of Grimes,	Henderson,	Ross,
Buchanan of Wood,	Patton,	Stewart,
Burges,	Rainey,	Swain.
Cooper,		
NOT VOTING—3.		
Burton,	Duncan,	Gooch.

House bill No. 420, "An act to amend article 425 of chapter 5, title 17 of the Revised Civil Statutes," was